

Calendar No. 396

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1275**

[Report No. 105-201]

**A BILL**

To implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

JUNE 5, 1998

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 1997

Mr. MURKOWSKI (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 5, 1998

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND REFERENCE.**

2 This Act may be cited as the “Northern Mariana Is-  
3 lands Covenant Implementation Act”. Public Law 94–241  
4 (90 Stat. 263, 48 U.S.C. 1801), which approved the Cov-  
5 enant to Establish a Commonwealth of the Northern Mar-  
6 iana Islands in Political Union with the United States of  
7 America, as amended, hereinafter is referred to as the  
8 “Covenant Act”.

9 **SEC. 2. IMMIGRATION REFORM FOR THE NORTHERN MARI-**  
10 **ANA ISLANDS.**

11 (a) COVENANT ACT AMENDMENTS.—The Covenant  
12 Act is amended to add the following new section 6 after  
13 section 5:

14 **“SEC. 6. TRANSITION PROGRAM FOR IMMIGRATION.**

15 “Pursuant to section 503 of the Covenant to Estab-  
16 lish a Commonwealth of the Northern Mariana Islands in  
17 Political Union with the United States of America (ap-  
18 proved in Public Law 94–241, 90 Stat. 263):

19 “(a) APPLICATION OF THE IMMIGRATION AND NA-  
20 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION  
21 PROGRAM.—Effective on the first day of the first full  
22 month commencing one year after the date of enactment  
23 of this section, the provisions of the Immigration and Na-  
24 tionality Act, as amended, shall apply to the Common-  
25 wealth of the Northern Mariana Islands, with a transition  
26 period not to exceed ten years thereafter, during which

1 the Attorney General, in consultation with the Secretaries  
 2 of State, Labor, and Interior, shall establish, administer,  
 3 and enforce a transition program for immigration to the  
 4 Commonwealth of the Northern Mariana Islands (the  
 5 “transition program”). The transition program estab-  
 6 lished pursuant to this section shall provide for the  
 7 issuance of nonimmigrant temporary alien worker visas  
 8 pursuant to subsection (b), and, under the circumstances  
 9 set forth in subsection (c), for family-sponsored and em-  
 10 ployment-based immigrant visas. The transition program  
 11 shall be implemented pursuant to regulations to be pro-  
 12 mulgated as appropriate by each agency having respon-  
 13 sibilities under the transition program.

14 “(b) TEMPORARY ALIEN WORKERS.—The transition  
 15 program shall conform to the following requirements with  
 16 respect to temporary alien workers who would otherwise  
 17 not be eligible for nonimmigrant classification under the  
 18 Immigration and Nationality Act, as amended:

19 “(1) Aliens admitted under this subsection shall  
 20 be treated as aliens seeking classification as non-  
 21 immigrants under section 101(a)(15) of the Immi-  
 22 gration and Nationality Act, as amended, including  
 23 the right to apply, if otherwise eligible, for a change  
 24 of nonimmigrant status under section 248 of the Im-  
 25 migration and Nationality Act, as amended, or ad-

1       justment of status, if eligible therefor, under sub-  
2       section (c) of this section and section 245 of the Im-  
3       migration and Nationality Act, as amended.

4           “(2)(A) The Secretary of Labor shall establish,  
5       administer, and enforce a system for allocating and  
6       determining the number, terms, and conditions of  
7       permits to be issued to prospective employers for  
8       each temporary alien worker who would not other-  
9       wise be eligible for admission under the Immigration  
10      and Nationality Act, as amended. This system shall  
11      provide for a reduction in the allocation of permits  
12      for such workers on an annual basis, over a period  
13      not to exceed ten years. In no event shall a permit  
14      be valid beyond the expiration of the transition pe-  
15      riod. This system may be based on any reasonable  
16      method and criteria determined by the Secretary of  
17      Labor to promote the maximum use of, and to pre-  
18      vent adverse effects on wages and working condi-  
19      tions of, United States labor and lawfully admissible  
20      freely associated state citizen labor.

21          “(B) The Secretary of Labor is authorized to  
22      establish and collect appropriate user fees for the  
23      purpose of this section. Amounts collected pursuant  
24      to this section shall be deposited to a special fund  
25      of the Treasury. Such amounts shall be available, to

1 the extent and in the amounts as provided in ad-  
2 vance in appropriations acts, for the purposes of ad-  
3 ministering this section. Such amounts are author-  
4 ized to be appropriated to remain available until ex-  
5 pended.

6 “(3) The Attorney General shall set the condi-  
7 tions for admission of nonimmigrant temporary alien  
8 workers under the transition program, and the Sec-  
9 retary of State shall authorize the issuance of non-  
10 immigrant visas for aliens to engage in employment  
11 only as authorized in this subsection: *Provided*, That  
12 such visas shall not be valid for admission to the  
13 United States, as defined in section 101(a)(38) of  
14 the Immigration and Nationality Act, as amended,  
15 except the Northern Mariana Islands. An alien ad-  
16 mitted to the Northern Mariana Islands on the basis  
17 of such a nonimmigrant visa shall be permitted to  
18 engage in employment only as authorized pursuant  
19 to the transition program. No alien shall be granted  
20 nonimmigrant classification or a visa under this sub-  
21 section unless the permit requirements established  
22 under paragraph (2) of this subsection have been  
23 met.

24 “(4) An alien admitted as a nonimmigrant pur-  
25 suant to this subsection shall be permitted to trans-

1       fer between employers in the Northern Mariana Is-  
2       lands during the period of such alien's authorized  
3       stay therein, provided that such transfer is author-  
4       ized by the Attorney General in accordance with cri-  
5       teria established by the Attorney General and the  
6       Secretary of Labor.

7       “(c) IMMIGRANTS.—With the exception of immediate  
8       relatives, as defined in section 201(b)(2) of the Immigra-  
9       tion and Nationality Act, as amended, and except as pro-  
10      vided in paragraphs (1) and (2) of this subsection, no alien  
11      shall be granted initial admission as a lawful permanent  
12      resident of the United States at a port-of-entry in the  
13      Northern Mariana Islands, or at a port-of-entry in Guam  
14      for the purpose of immigrating to the Northern Mariana  
15      Islands:

16       “(1) FAMILY-SPONSORED IMMIGRANT VISAS.—  
17      The Attorney General, based on a joint rec-  
18      ommendation of the Governor and Legislature of the  
19      Commonwealth of the Northern Mariana Islands,  
20      and in consultation with appropriate federal agen-  
21      cies, may establish a specific number of additional  
22      initial admissions as a family-sponsored immigrant  
23      at a port-of-entry in the Northern Mariana Islands,  
24      or at a port-of-entry in Guam for the purpose of im-  
25      migrating to the Northern Mariana Islands, pursu-

1 ant to sections 202 and 203(a) of the Immigration  
2 and Nationality Act, as amended, during the follow-  
3 ing fiscal year.

4 ~~“(2) EMPLOYMENT-BASED IMMIGRANT VISAS.—~~

5 ~~“(A) If the Secretary of Labor, upon re-~~  
6 ~~ceipt of a joint recommendation of the Governor~~  
7 ~~and Legislature of the Commonwealth of the~~  
8 ~~Northern Mariana Islands, finds that excep-~~  
9 ~~tional circumstances exist with respect to the~~  
10 ~~inability of employers in the Northern Mariana~~  
11 ~~Islands to obtain sufficient work-authorized~~  
12 ~~labor, the Attorney General may establish a~~  
13 ~~specific number of employment-based immi-~~  
14 ~~grant visas to be made available during the fol-~~  
15 ~~lowing fiscal year under section 203(b) of the~~  
16 ~~Immigration and nationality Act, as amended.~~

17 ~~“(B) Upon notification by the Attorney~~  
18 ~~General that a number has been established~~  
19 ~~pursuant to subparagraph (A) of this para-~~  
20 ~~graph, the Secretary of State may allocate up~~  
21 ~~to that number of visas without regard to the~~  
22 ~~numerical limitations set forth in sections 202~~  
23 ~~and 203(b)(3)(B) of the Immigration and Na-~~  
24 ~~tionality Act, as amended. Visa numbers allo-~~  
25 ~~cated under this subparagraph shall be allo-~~



1           eated first from the number of visas available  
2           under section 203(b)(3) of the Immigration and  
3           Nationality Act, as amended, or, if such visa  
4           numbers are not available, from the number of  
5           visas available under section 203(b)(5) of such  
6           Act.

7           “(C) Persons granted employment-based  
8           immigrant visas under the transition program  
9           may be admitted initially at a port-of-entry in  
10          the Northern Mariana Islands, or at a port-of-  
11          entry in Guam for the purpose of immigrating  
12          to the Northern Mariana Islands, as lawful per-  
13          manent residents of the United States.

14          “(D) Any immigrant visa issued pursuant  
15          to this paragraph shall be valid only for applica-  
16          tion for initial admission to the Northern Mari-  
17          ana Islands. The admission of any alien pursu-  
18          ant to such an immigrant visa shall be an ad-  
19          mission for lawful permanent residence and em-  
20          ployment only in the Northern Mariana Islands  
21          during the first five years after such admission.  
22          Such admission shall not authorize permanent  
23          residence or employment in any other part of  
24          the United States during such five-year period.  
25          An alien admitted for permanent residence pur-

1        suant to this paragraph shall be issued appro-  
2        priate documentation identifying the person as  
3        having been admitted pursuant to the terms  
4        and conditions of this transition program; and  
5        shall be required to comply with a system for  
6        the registration and reporting of aliens admit-  
7        ted for permanent residence under the transi-  
8        tion program; to be established by the Attorney  
9        General, by regulation, consistent with the At-  
10       torney General's authority under Chapter 7 of  
11       Title II of the Immigration and Nationality  
12       Act, as amended.

13       “(E) Nothing in this paragraph shall pre-  
14       clude an alien who has obtained lawful perma-  
15       nent resident status pursuant to this paragraph  
16       from applying, if otherwise eligible under this  
17       section and under the Immigration and Nation-  
18       ality Act, as amended, for an immigrant visa or  
19       admission as a lawful permanent resident under  
20       the Immigration and Nationality Act, as  
21       amended.

22       “(F) Any alien admitted under this sub-  
23       section, who violates the provisions of this para-  
24       graph, or who is found removable or inadmis-  
25       sible under section 237(a), or paragraphs (1),

1           ~~(2), (3), (4)(A), (4)(B), (6), (7), (8), or (9) of~~  
2           ~~section 212(a), shall be removed from the~~  
3           ~~United States pursuant to sections 239, 240,~~  
4           ~~and 241 of the Immigration and Nationality~~  
5           ~~Act, as amended.~~

6           ~~“(G) The Attorney General may establish~~  
7           ~~by regulation a procedure by which an alien~~  
8           ~~who has obtained lawful permanent resident~~  
9           ~~status pursuant to this paragraph may apply~~  
10          ~~for a waiver of the limitations on the terms and~~  
11          ~~conditions of such status. The Attorney General~~  
12          ~~may grant the application for waiver, in the dis-~~  
13          ~~cretion of the Attorney General, if: (1) the alien~~  
14          ~~is not in removal proceedings, (2) the alien has~~  
15          ~~been a person of good moral character for the~~  
16          ~~preceding five years, (3) the alien has not vio-~~  
17          ~~lated the terms and conditions of the alien’s~~  
18          ~~permanent resident status, and (4) the alien~~  
19          ~~would suffer exceptional and extremely unusual~~  
20          ~~hardship were such terms and conditions not~~  
21          ~~waived.~~

22          ~~“(H) The limitations on the terms and~~  
23          ~~conditions of an alien’s permanent residence set~~  
24          ~~forth in this paragraph shall expire at the end~~  
25          ~~of five years after the alien’s admission to the~~

1 Northern Mariana Islands as a permanent resi-  
2 dent and the alien is thereafter fully subject to  
3 the provisions of the Immigration and National-  
4 ity Act, as amended. Following the expiration of  
5 such limitations, the permanent resident alien  
6 may engage in any lawful activity, including  
7 employment, anywhere in the United States.  
8 Such an alien, if otherwise eligible for natu-  
9 ralization, may count the five-year period in the  
10 Northern Mariana Islands towards time in the  
11 United States for purposes of meeting the resi-  
12 dence requirements of Title III of the Immigra-  
13 tion and Nationality Act, as amended.

14 “(d) INVESTOR VISAS.—The following requirements  
15 shall apply to aliens who have been admitted to the North-  
16 ern Mariana Islands in long-term investor status under  
17 the immigration laws of the Commonwealth of the North-  
18 ern Mariana Islands on or before the effective date of this  
19 Act and who have continuously maintained residence in  
20 the Northern Mariana Islands pursuant to such status:

21 “(1) Such aliens may apply to the Attorney  
22 General or a consular officer for classification as a  
23 nonimmigrant under the transition program. Any  
24 nonimmigrant status granted as a result of such ap-

1       plication shall terminate not later than December  
2       31, 2008.

3           “(2) During the six-month period beginning  
4       January 1, 2008, and ending June 30, 2008, any  
5       alien granted nonimmigrant status pursuant to  
6       paragraph (1) of this subsection shall be permitted  
7       to apply to the Attorney General for status as a law-  
8       ful permanent resident of the United States effective  
9       on or after January 1, 2009, and may be granted  
10      such status if otherwise admissible. Upon granting  
11      permanent residence to any such alien, the Attorney  
12      General shall advise the Secretary of State who shall  
13      reduce by one number, during the fiscal year in  
14      which the grant of status becomes effective, the total  
15      number of immigrant visas available to natives of  
16      the country of the alien’s chargeability under section  
17      202(b) of the Immigration and Nationality Act, as  
18      amended.

19      “(c) PERSONS LAWFULLY ADMITTED UNDER THE  
20      COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
21      IMMIGRATION LAW.—Subject to subsection (d) of this sec-  
22      tion, persons who would have been lawfully present in the  
23      Northern Mariana Islands pursuant to the immigration  
24      laws of the Commonwealth of the Northern Mariana Is-  
25      lands on the effective date of this subsection, shall be per-

mitted to remain in the Northern Mariana Islands for the completion of the period of admission under such laws, or for two years, which is less.

“(f) TRAVEL RESTRICTIONS FOR CERTAIN APPLICANTS FOR ASYLUM.—Any alien admitted to the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands or pursuant to subsections (b) or (c) of this section who files an application seeking asylum in the United States shall be required, pursuant to regulations established by the Attorney General, to remain in the Northern Mariana Islands, during the period of time the application is being adjudicated or during any appeals filed subsequent to such adjudication. An applicant for asylum who, during the time his application is being adjudicated or during any appeals filed subsequent to such adjudication, leaves the Northern Mariana Islands of his own will without prior authorization by the Attorney General thereby abandons the application.

“(g) EFFECT ON OTHER LAWS.—Effective on the first day of the first full month commencing one year after the date of enactment of this section, the provisions of this section and the Immigration and Nationality Act, as amended, shall supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mari-

1 ana Islands relating to the admission of aliens and the  
 2 removal of aliens from the Northern Mariana Islands.”

3 “(h) ACCRUAL OF TIME.—No time of “unlawful pres-  
 4 ence” in the Northern Mariana Islands shall accrue for  
 5 purposes of the ground of inadmissibility in section  
 6 212(a)(9)(B) prior to the date of enactment of this sub-  
 7 section.

8 (b) CONFORMING AMENDMENTS.—(1) Effective on  
 9 the first day of the first full month commencing one year  
 10 after the date of enactment of this section, section 101(a)  
 11 of the Immigration and Nationality Act, as amended, is  
 12 amended as follows:

13 (A) in paragraph (36), by deleting “and the  
 14 Virgin Islands of the United States.” and substitut-  
 15 ing “the Virgin Islands of the United States, and  
 16 the Northern Mariana Islands.”; and

17 (B) in paragraph (38), by deleting “and the  
 18 Virgin Islands of the United States” and substitut-  
 19 ing “the Virgin Islands of the United States, and  
 20 the Northern Mariana Islands.”.

21 (2) Effective on the first day of the first full month  
 22 commencing on date of enactment of this section, sub-  
 23 section (1) of section 212 of the Immigration and National-  
 24 ity Act, as amended, is amended as follows:

25 (A) in paragraph (1),

1           (i) strike the words “stay on Guam”, and  
 2           insert the words “stay on Guam and the North-  
 3           ern Mariana Islands”;

4           (ii) after the word “exceed” insert the  
 5           words “a total of ”, and,

6           (iii) strike the words “after consultation  
 7           with the Governor of Guam,” and insert the  
 8           words “after respective consultation with the  
 9           Governor of Guam or the Governor of the Com-  
 10          monwealth of the Northern Mariana Islands,”;

11          (B) in subparagraph (A) of paragraph (1),  
 12          strike the words “on Guam”, and insert the words  
 13          “on Guam or the Northern Mariana Islands, respec-  
 14          tively,”;

15          (C) in subparagraph (A) of paragraph (2),  
 16          strike the words “into Guam”, and insert the words  
 17          “into Guam or the Northern Mariana Islands, re-  
 18          spectively,”; and

19          (D) in paragraph (3), strike the words “Gov-  
 20          ernment of Guam” and insert the words “Govern-  
 21          ment of Guam or the Government of the Common-  
 22          wealth of the Northern Mariana Islands”.

23          (e) TECHNICAL ASSISTANCE PROGRAM.—The Sec-  
 24          retaries of the Interior and Labor, in consultation with  
 25          the Commonwealth of the Northern Mariana Islands, shall



1 develop a program of technical assistance, including re-  
2 cruitment and training, to aid employers in securing em-  
3 ployees from among United States labor or lawfully admis-  
4 sible freely associated state citizen labor.

5 (d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF  
6 LABOR OPERATIONS.—The Attorney General and the De-  
7 partment of Labor are authorized to establish and main-  
8 tain Immigration and Naturalization Service, Executive  
9 Office of Immigration Review, and Department of Labor  
10 operations in the Northern Mariana Islands for the pur-  
11 pose of performing their responsibilities under the Immi-  
12 gration and Nationality Act, as amended, and under the  
13 transition program. To the extent practicable and consist-  
14 ent with the satisfactory performance of their assigned re-  
15 sponsibilities under applicable law, the Departments of  
16 Justice and Labor shall recruit and hire from among  
17 qualified applicants resident in the Northern Mariana Is-  
18 lands for staffing such operations.

19 (e) REPORT TO THE CONGRESS.—The President  
20 shall report to the Senate Committee on Energy and Nat-  
21 ural Resources, and the House Committee on Resources,  
22 within six months after the fifth anniversary of the enact-  
23 ment of this Act, evaluating the overall effect of the transi-  
24 tion program and the Immigration and Nationality Act on

1 the Northern Mariana Islands, and at other times as the  
 2 President deems appropriate.

3       (f) ~~LIMITATION ON NUMBER OF TEMPORARY WORK-~~  
 4 ~~ERS PRIOR TO APPLICATION OF THE IMMIGRATION AND~~  
 5 ~~NATURALIZATION ACT AND ESTABLISHMENT OF THE~~  
 6 ~~TRANSITION PROGRAM.~~—During the period between en-  
 7 actment of this section and the effective date of the transi-  
 8 tion program, the government of the Commonwealth of the  
 9 Northern Mariana Islands shall not permit an increase in  
 10 the total number of temporary alien workers who were  
 11 present in the Northern Mariana Islands on the date of  
 12 enactment of this section.

13       (g) ~~APPROPRIATIONS.~~—There are authorized to be  
 14 appropriated such sums as may be necessary to carry out  
 15 the purposes of this section and of the Immigration and  
 16 Nationality Act, as amended, with respect to the Northern  
 17 Mariana Islands.

18 **SEC. 3. MINIMUM WAGE.**

19       The Covenant Act is amended to add the following  
 20 new section 7 after section 6:

21 **“SEC. 7. MINIMUM WAGE.**

22       “Pursuant to section 503 of the Covenant to Estab-  
 23 lish a Commonwealth of the Northern Mariana Islands in  
 24 Political Union with the United States of America (ap-  
 25 proved in Public Law 94-241, 90 Stat. 263)—

1       “(a) Effective thirty days after enactment of this Act,  
2 the minimum wage provisions of section 6 of the Fair  
3 Labor Standards Act of June 25, 1938 (52 Stat. 1062),  
4 as amended, shall apply to the Commonwealth of the  
5 Northern Mariana Islands except:

6           “(1) the minimum wage rate applicable to the  
7 Commonwealth of the Northern Mariana Islands  
8 shall be \$3.35 per hour; and

9           “(2) effective January 1, 1999, and every Janu-  
10 ary 1 thereafter, the minimum wage rate applicable  
11 to the Commonwealth of the Northern Mariana Is-  
12 lands shall be raised by thirty cents per hour or the  
13 amount necessary to raise the applicable minimum  
14 wage rate to the wage rate set forth in section  
15 6(a)(1) of the Fair Labor Standards Act, whichever  
16 is less; and

17       “(b) Once the minimum wage rate applicable to the  
18 Commonwealth of the Northern Mariana Islands is equal  
19 to the wage rate set forth in section 6(a)(1) of the Fair  
20 Labor Standards Act, the minimum wage rate applicable  
21 to the Commonwealth of the Northern Mariana Islands  
22 shall thereafter be the wage rate set forth in section  
23 6(a)(1) of the Fair Labor Standards Act.

1 **SEC. 4. LABELING REQUIREMENTS FOR TEXTILE AND AP-**  
 2 **PAREL PRODUCTS.**

3 The Covenant Act is amended to add the following  
 4 new section 8 after section 7:

5 **“SEC. 8. LABELING OF TEXTILE AND APPAREL PRODUCTS.**

6 (a) No textile or apparel product that is produced in  
 7 the Northern Mariana Islands shall have a stamp, tag,  
 8 label, or other means of identification or substitute there-  
 9 for on or affixed to the product stating ‘Made in USA’  
 10 or otherwise stating or implying that the product was pro-  
 11 duced in the United States unless the product is produced  
 12 in a factory certified by the United States Department of  
 13 Labor, in accordance with regulations issued by the Sec-  
 14 retary of Labor, to use full-time employee equivalents of  
 15 labor in the required percentage of qualified hours.

16 “(b) A textile or apparel product that does not meet  
 17 the requirements of subsection (a), or where the certifi-  
 18 cation by the United States Department of Labor is based  
 19 on false or incomplete information provided to the United  
 20 States Department of Labor, shall be deemed to be mis-  
 21 branded for the purposes of the Textile Fiber Products  
 22 Identification Act (Public Law 85–897, 72 Stat. 1717).

23 “(c) In this section:

24 “(1) **FREELY ASSOCIATED STATE.**—The term  
 25 ‘freely associated state’ means the Republic of

1 Palau, the Republic of the Marshall Islands, or the  
 2 Federated States of Micronesia.

3 ~~“(2) QUALIFIED HOURS.—~~The term ‘qualified  
 4 hours’ means the hours of labor performed by a per-  
 5 son who is a citizen, national, or other protected in-  
 6 dividual as defined in section 274B(a)(3) of the Im-  
 7 migration and Nationality Act, as amended (without  
 8 regard to application for naturalization), or who is  
 9 a citizen of a freely associated state (as long as sec-  
 10 tion 141 in the respective Compacts of Free Associa-  
 11 tion with the Republic of the Marshall Islands, the  
 12 Federated States of Micronesia or the Republic of  
 13 Palau (Public Law 99–239 or Public Law 99–658)  
 14 or equivalent provisions are in effect).

15 ~~“(3) REQUIRED PERCENTAGE.—~~The term ‘re-  
 16 quired percentage’ means—

17 ~~“(A) 20 percent, for the period beginning~~  
 18 ~~January 1, 1998, through December 31, 1998;~~

19 ~~“(B) 35 percent, for the period beginning~~  
 20 ~~January 1, 1999, through December 31, 1999;~~  
 21 ~~and~~

22 ~~“(C) 50 percent, for the period beginning~~  
 23 ~~January 1, 2000, and thereafter.”~~

1 **SEC. 5. TARIFFS.**

2 General Note 3(a)(iv) of the Harmonized Tariff  
3 Schedules of the United States is amended to add at the  
4 end the following:

5 “(E) No textile or apparel product that is  
6 produced in the Northern Mariana Islands shall  
7 be admitted duty-free into the customs territory  
8 of the United States as the product of an insu-  
9 lar possession, unless the product is produced  
10 in a factory certified by the United States De-  
11 partment of Labor, in accordance with regula-  
12 tions issued by the Secretary of Labor, to use  
13 full-time employee equivalents of labor in the  
14 required percentage of qualified hours. In this  
15 subparagraph:

16 “(i) **FREELY ASSOCIATED STATE.**—  
17 The term ‘freely associated state’ means  
18 the Republic of Palau, the Republic of the  
19 Marshall Islands, or the Federated States  
20 of Micronesia.

21 “(ii) **QUALIFIED HOURS.**—The term  
22 ‘qualified hours’ means the hours of labor  
23 performed by a person who is a citizen, na-  
24 tional, or other protected individual as de-  
25 fined in section 274B(a)(3) of the Immi-  
26 gration and Nationality Act, as amended

(without regard to application for naturalization), or who is a citizen of a freely associated state (as long as section 141 in the respective Compacts of Free Association with the Republic of the Marshall Islands, the Federated States of Micronesia or the Republic of Palau (Public Law 99-239 or Public Law 99-658) or equivalent provisions are in effect).

“(iii) **REQUIRED PERCENTAGE.**—The term ‘required percentage’ means—

“(I) 20 percent, for the period beginning January 1, 1998, through December 31, 1998;

“(II) 35 percent, for the period beginning January 1, 1999, through December 31, 1999; and

“(III) 50 percent, for the period beginning January 1, 2000, and thereafter.”

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Northern Mariana Islands Covenant Implementation Act”.*

1 **SEC. 2. IMMIGRATION REFORM FOR THE COMMONWEALTH**  
 2 **OF THE NORTHERN MARIANA ISLANDS.**

3 *(a) AMENDMENTS TO ACT APPROVING THE COVENANT*  
 4 *TO ESTABLISH A COMMONWEALTH OF THE NORTHERN*  
 5 *MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED*  
 6 *STATES OF AMERICA.—Public Law 94–241 (90 Stat. 263),*  
 7 *as amended, is further amended by adding at the end there-*  
 8 *of the following:*

9 **“SEC. 6. TRANSITION PROGRAM.**

10 *“(a) ATTORNEY GENERAL FINDINGS.—*

11 *“(1) MINIMUM STANDARDS.—Within ninety days*  
 12 *after the date of enactment of the Northern Mariana*  
 13 *Islands Covenant Implementation Act, the Attorney*  
 14 *General shall determine, and publish by notice in the*  
 15 *Federal Register, minimum standards that the Attor-*  
 16 *ney General deems necessary to ensure an effective*  
 17 *system of immigration control for the Commonwealth*  
 18 *of the Northern Mariana Islands. The determination*  
 19 *of such minimum standards shall rest within the sole*  
 20 *discretion of the Attorney General, shall not be subject*  
 21 *to the rulemaking requirements of the Administrative*  
 22 *Procedure Act (5 U.S.C. 533–557), and may be re-*  
 23 *viewed solely pursuant to paragraph (3) of this sub-*  
 24 *section.*

25 *“(2) FINDINGS.—One year after the date of en-*  
 26 *actment of the Northern Mariana Islands Covenant*



1     *Implementation Act, or, if applicable, ninety days*  
2     *after the issuance of a final judicial determination*  
3     *pursuant to paragraph (3), whichever is later, the At-*  
4     *torney General, after consultation with the Govern-*  
5     *ment of the Commonwealth of the Northern Mariana*  
6     *Islands, shall make the following findings:*

7             “(A) *whether the Government of the Com-*  
8             *monwealth of Northern Mariana Islands pos-*  
9             *sesses the institutional capability to administer*  
10            *an effective system of immigration control, con-*  
11            *sistent with the minimum standards established*  
12            *under paragraph (1), and*

13            “(B) *if the Attorney General determines*  
14            *that the Government of the Commonwealth of the*  
15            *Northern Marianas possesses such institutional*  
16            *capability, whether the Government of the Com-*  
17            *monwealth of the Northern Mariana Islands has*  
18            *demonstrated a genuine commitment to enforce*  
19            *an effective system of immigration control con-*  
20            *sistent with the minimum standards established*  
21            *under paragraph (1). The findings by the Attor-*  
22            *ney General regarding the institutional capabil-*  
23            *ity of the Government of the Commonwealth of*  
24            *the Northern Mariana Islands, and if applicable,*  
25            *the genuine commitment of the Government of*

1           *the Commonwealth of the Northern Mariana Is-*  
2           *lands to enforce an effective system of immigra-*  
3           *tion control, shall be published in the Federal*  
4           *Register in a timely manner.*

5           “(3) *ACCELERATED JUDICIAL REVIEW OF MINI-*  
6           *MUM STANDARDS.—Except for review in the Supreme*  
7           *Court of the United States, the United States Court*  
8           *of Appeals for the District of Columbia Circuit shall*  
9           *have original and exclusive jurisdiction over any*  
10          *complaint of the Government of the Commonwealth of*  
11          *the Northern Mariana Islands seeking review of the*  
12          *minimum standards established under paragraph (1).*  
13          *No other person or entity shall have the right to seek*  
14          *review of these minimum standards. For purposes of*  
15          *this paragraph, a petition for review will be deemed*  
16          *to have been timely filed only if it is made within*  
17          *ninety days after publication of the standards in the*  
18          *Federal Register. It shall be the duty of the reviewing*  
19          *court to advance on the docket and to expedite to the*  
20          *greatest possible extent the disposition of any matter*  
21          *brought under this paragraph. In the event that there*  
22          *is issued a final judicial determination invalidating*  
23          *the minimum standards, the Attorney General shall*  
24          *have published in the Federal Register new minimum*  
25          *standards within ninety days of such final judicial*

1       *determination. Such new minimum standards shall*  
2       *be reviewable solely pursuant to this paragraph.*

3               “(4) *ACCELERATED JUDICIAL REVIEW OF THE*  
4       *FINDINGS OF THE ATTORNEY GENERAL.—The findings*  
5       *of the Attorney General described in subparagraphs*  
6       *(A) and (B) of paragraph (2) shall be deemed to be*  
7       *final upon publication in the Federal Register, unless*  
8       *the Government of the Commonwealth of the Northern*  
9       *Mariana Islands seeks review of these findings by fil-*  
10       *ing a timely petition for review, pursuant to this*  
11       *paragraph, with the United States Court of Appeals*  
12       *for the District of Columbia Circuit. No other person*  
13       *or entity shall have the right to seek review of the*  
14       *findings of the Attorney General. For purposes of this*  
15       *paragraph, a petition for review will be deemed to*  
16       *have been timely filed only if it is made within nine-*  
17       *ty days of publication of the findings of the Attorney*  
18       *General in the Federal Register. Except for review in*  
19       *the Supreme Court of the United States, the United*  
20       *States Court of Appeals for the District of Columbia*  
21       *Circuit shall have original and exclusive jurisdiction*  
22       *over any review of the findings of the Attorney Gen-*  
23       *eral. It shall be the duty of the reviewing court to*  
24       *advance on the docket and to expedite to the greatest*  
25       *possible extent the disposition of any matter brought*

1        *under this paragraph. In the event that there is*  
 2        *issued a final judicial determination upholding the*  
 3        *findings of the Attorney General, then the provisions*  
 4        *of subsections (b) through (j) shall take effect 180 days*  
 5        *after the date of such a final judicial determination.*  
 6        *In the event that there is a final judicial determina-*  
 7        *tion invalidating the findings of the Attorney Gen-*  
 8        *eral, subject to subparagraph (6), then the provisions*  
 9        *of subsections (b) through (j) shall not take effect.*  
 10       *Nothing in this paragraph shall limit the authority*  
 11       *of the Attorney General to make new findings pursu-*  
 12       *ant to paragraph (2)(B) at any time after such a*  
 13       *final judicial determination.*

14            *“(5) EFFECTIVE DATE.—Subject to paragraphs*  
 15        *(4) and (6), if the Attorney General finds either that*  
 16        *the Commonwealth of the Northern Marianas Islands*  
 17        *does not have the institutional capability to meet the*  
 18        *minimum standards described in paragraph (2)(A) or*  
 19        *has not demonstrated a genuine commitment to en-*  
 20        *force an effective system of immigration control con-*  
 21        *sistent with the minimum standards required in*  
 22        *paragraph (2)(B), then subsections (b) through (j)*  
 23        *shall take effect 180 days after the finding is pub-*  
 24        *lished. If the Attorney General determines that the*  
 25        *Government of the Commonwealth of Northern Mari-*

1        *ana Islands has such institutional capability and*  
 2        *genuine commitment, subject to paragraph (6), then*  
 3        *the provisions of subsections (b) through (j) shall not*  
 4        *take effect.*

5            “(6) *SUBSEQUENT FINDINGS.—If the Attorney*  
 6        *General finds that the Government of the Common-*  
 7        *wealth of the Northern Mariana Islands meets the re-*  
 8        *quirements of subparagraphs (A) and (B) of para-*  
 9        *graph (2), the Attorney General, every three years*  
 10       *thereafter, shall make findings with respect to whether*  
 11       *the Government of the Commonwealth of the Northern*  
 12       *Mariana Islands continues to meet the requirements*  
 13       *of such subparagraphs. The subsequent findings of the*  
 14       *Attorney General shall be reviewable solely pursuant*  
 15       *to paragraph (4).*

16           “(b) *APPLICATION OF THE IMMIGRATION AND NATION-*  
 17       *ALITY ACT AND ESTABLISHMENT OF A TRANSITION PRO-*  
 18       *GRAM.—Except as provided in subsection (c), the provisions*  
 19       *of the Immigration and Nationality Act (8 U.S.C. 1101)*  
 20       *shall apply to the Commonwealth of the Northern Mariana*  
 21       *Islands: Provided, That there shall be a transition period*  
 22       *not to exceed ten years following the effective date of the*  
 23       *provisions of subsections (b) through (j) of this section (ex-*  
 24       *cept for subsection (e)(2)(I), if needed), during which the*  
 25       *Attorney General, in consultation with the Secretaries of*

1 *State, Labor, and the Interior, shall establish, administer,*  
 2 *and enforce a transition program for immigration to the*  
 3 *Commonwealth of the Northern Mariana Islands (the ‘tran-*  
 4 *sition program’). The transition program established pur-*  
 5 *suant to this section shall provide for the issuance of non-*  
 6 *immigrant temporary alien worker visas pursuant to sub-*  
 7 *section (d), and, under the circumstances set forth in sub-*  
 8 *section (e), for family-sponsored and employment-based im-*  
 9 *migrant visas. The transition program shall be imple-*  
 10 *mented pursuant to regulations to be promulgated as ap-*  
 11 *propriate by each agency having responsibilities under the*  
 12 *transition program.*

13       “(c) *EXEMPTION FROM NUMERICAL LIMITATIONS FOR*  
 14 *H-2B TEMPORARY WORKERS.—An alien, if otherwise,*  
 15 *qualified, may seek admission to the Commonwealth of the*  
 16 *Northern Mariana Islands as a temporary worker under*  
 17 *section 101(a)(15)(H)(ii)(B) of the Immigration and Na-*  
 18 *tionality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without re-*  
 19 *gard to the numerical limitations set forth in section 214(g)*  
 20 *of such Act (8 U.S.C. 1184(g)).*

21       “(d) *TEMPORARY ALIEN WORKERS.—The transition*  
 22 *program shall conform to the following requirements with*  
 23 *respect to temporary alien workers who would otherwise not*  
 24 *be eligible for nonimmigrant classification under the Immi-*  
 25 *gration and Nationality Act:*

1           “(1) *Aliens admitted under this subsection shall*  
2           *have the same privileges as nonimmigrants under sec-*  
3           *tion 101(a)(15) of the Immigration and Nationality*  
4           *Act (8 U.S.C. 1258), including the ability to apply,*  
5           *if otherwise eligible, for a change of nonimmigrant*  
6           *status under section 248 of such Act (8 U.S.C. 1258),*  
7           *or adjustment of status, if eligible therefor, under this*  
8           *section and section 245(e) of such Act (8 U.S.C.*  
9           *1255(e)).*

10           “(2)(A) *The Secretary of Labor shall establish,*  
11           *administer, and enforce a system for allocating and*  
12           *determining the number, terms, and conditions of*  
13           *permits to be issued to prospective employers for each*  
14           *temporary alien worker who would not otherwise be*  
15           *eligible for admission under the Immigration and Na-*  
16           *tionality Act. This system shall provide for a reduc-*  
17           *tion in the allocation of permits for such workers on*  
18           *an annual basis, to zero, over a period not to exceed*  
19           *ten years. In no event shall a permit be valid beyond*  
20           *the expiration of the transition period. This system*  
21           *may be based on any reasonable method and criteria*  
22           *determined by the Secretary of Labor to promote the*  
23           *maximum use of, and to prevent adverse effects on*  
24           *wages and working conditions of, persons authorized*  
25           *to work in the United States under section 274A of*

1     *the Immigration and Nationality Act (8 U.S.C.*  
2     *1324a), and lawfully admissible freely associated state*  
3     *citizen labor.*

4             *“(B) The Secretary of Labor is authorized to es-*  
5     *tablish and collect appropriate user fees for the pur-*  
6     *pose of this section. Amounts collected pursuant to*  
7     *this section shall be deposited in a special fund of the*  
8     *Treasury. Such amounts shall be available, to the ex-*  
9     *tent and in the amounts as provided in advance in*  
10    *appropriations acts, for the purposes of administering*  
11    *this section. Such amounts are authorized to be ap-*  
12    *propriated to remain available until expended.*

13            *“(3) The Attorney General shall set the condi-*  
14    *tions for admission of nonimmigrant temporary alien*  
15    *workers under the transition program, and the Sec-*  
16    *retary of State shall authorize the issuance of non-*  
17    *immigrant visas for aliens to engage in employment*  
18    *only as authorized in this subsection: Provided, That*  
19    *such visas shall not be valid for admission to the*  
20    *United States, as defined in section 101(a)(38) of the*  
21    *Immigration and Nationality Act (8 U.S.C.*  
22    *1101(a)(38)), except the Commonwealth of the North-*  
23    *ern Mariana Islands. An alien admitted to the Com-*  
24    *monwealth of the Northern Mariana Islands on the*  
25    *basis of such a nonimmigrant visa shall be permitted*



1       to engage in employment only as authorized pursuant  
 2       to the transition program. No alien shall be granted  
 3       nonimmigrant classification or a visa under this sub-  
 4       section unless the permit requirements established  
 5       under paragraph (2) have been met.

6               “(4) An alien admitted as a nonimmigrant pur-  
 7       suant to this subsection shall be permitted to transfer  
 8       between employers in the Commonwealth of the North-  
 9       ern Mariana Islands during the period of such alien’s  
 10      authorized stay therein to the extent that such trans-  
 11      fer is authorized by the Attorney General in accord-  
 12      ance with criteria established by the Attorney General  
 13      and the Secretary of Labor.

14          “(e) IMMIGRANTS.—With the exception of immediate  
 15      relatives (as defined in section 201(b)(2) of the Immigration  
 16      and Nationality Act (8 U.S.C. 1151(b)(2))) and, except as  
 17      provided in paragraphs (1) and (2), no alien shall be grant-  
 18      ed initial admission as a lawful permanent resident of the  
 19      United States at a port-of-entry in the Commonwealth of  
 20      the Northern Mariana Islands, or at a port-of-entry in  
 21      Guam for the purpose of immigrating to the Commonwealth  
 22      of the Northern Mariana Islands.

23               “(1) FAMILY-SPONSORED IMMIGRANT VISAS.—  
 24      The Attorney General, based on a joint recommenda-  
 25      tion of the Governor and Legislature of the Common-

1 *wealth of the Northern Mariana Islands, and in con-*  
 2 *sultation with appropriate Federal agencies, may es-*  
 3 *tablish a specific number of additional initial admis-*  
 4 *sions as a family-sponsored immigrant at a port-of-*  
 5 *entry in the Commonwealth of the Northern Mariana*  
 6 *Islands, or at a port-of-entry in Guam for the pur-*  
 7 *pose of immigrating to the Commonwealth of the*  
 8 *Northern Mariana Islands, pursuant to sections 202*  
 9 *and 203(a) of the Immigration and Nationality Act*  
 10 *(8 U.S.C. 1152 and 1153(a)) during the following fis-*  
 11 *cal year.*

12 “(2) *EMPLOYMENT-BASED IMMIGRANT VISAS.*—

13 “(A) *If the Secretary of Labor, upon receipt*  
 14 *of a joint recommendation of the Governor and*  
 15 *Legislature of the Commonwealth of the Northern*  
 16 *Mariana Islands, finds that exceptional cir-*  
 17 *cumstances exist with respect to the inability of*  
 18 *employers in the Commonwealth of the Northern*  
 19 *Mariana Islands to obtain sufficient work-au-*  
 20 *thorized labor, the Attorney General may estab-*  
 21 *lish a specific number of employment-based im-*  
 22 *migrant visas to be made available during the*  
 23 *following fiscal year under section 203(b) of the*  
 24 *Immigration and Nationality Act (8 U.S.C.*  
 25 *1153(b)).*

1           “(B) Upon notification by the Attorney  
2           General that a number has been established pur-  
3           suant to subparagraph (A), the Secretary of  
4           State may allocate up to that number of visas  
5           without regard to the numerical limitations set  
6           forth in sections 202 and 203(b)(3)(B) of the Im-  
7           migration and Nationality Act (8 U.S.C. 1152  
8           and 1153(b)(3)(B)). Visa numbers allocated  
9           under this subparagraph shall be allocated first  
10          from the number of visas available under section  
11          203(b)(3) of such Act (8 U.S.C. 1153(b)(3)), or,  
12          if such visa numbers are not available, from the  
13          number of visas available under section  
14          203(b)(5) of such Act (8 U.S.C. 1153(b)(5)).

15          “(C) Persons granted employment-based im-  
16          migrant visas under the transition program may  
17          be admitted initially at a port-of-entry in the  
18          Commonwealth of the Northern Mariana Islands,  
19          or at a port-of-entry in Guam for the purpose of  
20          immigrating to the Commonwealth of the North-  
21          ern Mariana Islands, as lawful permanent resi-  
22          dents of the United States.

23          “(D) Any immigrant visa issued pursuant  
24          to this paragraph shall be valid only for applica-  
25          tion for initial admission to the Commonwealth

1       *of the Northern Mariana Islands. The admission*  
2       *of any alien pursuant to such an immigrant*  
3       *visa shall be an admission for lawful permanent*  
4       *residence and employment only in the Common-*  
5       *wealth of the Northern Mariana Islands during*  
6       *the first five years after such admission. Such*  
7       *admission shall not authorize permanent resi-*  
8       *dence or employment in any other part of the*  
9       *United States during such five-year period. An*  
10       *alien admitted for permanent residence pursuant*  
11       *to this paragraph shall be issued appropriate*  
12       *documentation identifying the person as having*  
13       *been admitted pursuant to the terms and condi-*  
14       *tions of this transition program, and shall be re-*  
15       *quired to comply with a system for the registra-*  
16       *tion and reporting of aliens admitted for perma-*  
17       *nent residence under the transition program, to*  
18       *be established by the Attorney General, by regu-*  
19       *lation, consistent with the Attorney General's au-*  
20       *thority under Chapter 7 of Title II of the Immi-*  
21       *gration and Nationality Act (8 U.S.C. 1301–*  
22       *1306).*

23       *“(E) Nothing in this paragraph shall pre-*  
24       *clude an alien who has obtained lawful perma-*  
25       *nent resident status pursuant to this paragraph*

1       *from applying, if otherwise eligible under this*  
2       *section and under the Immigration and Nation-*  
3       *ality for an immigrant visa or admission as a*  
4       *lawful permanent resident under the Immigra-*  
5       *tion and Nationality Act.*

6               “(F) *Any alien admitted under this sub-*  
7       *section, who violates the provisions of this para-*  
8       *graph, or who is found removable or inadmis-*  
9       *sible under section 237(a) (8 U.S.C. 1227(a)), or*  
10       *paragraphs (1), (2), (3), (4)(A), (4)(B), (6), (7),*  
11       *(8), or (9) of section 212(a) (8 U.S.C. 1182(a)),*  
12       *shall be removed from the United States pursu-*  
13       *ant to sections 239, 240, and 241 of the Immi-*  
14       *gration and Nationality Act (8 U.S.C. 1229,*  
15       *1230, and 1231).*

16               “(G) *The Attorney General may establish by*  
17       *regulation a procedure by which an alien who*  
18       *has obtained lawful permanent resident status*  
19       *pursuant to this paragraph may apply for a*  
20       *waiver of the limitations on the terms and condi-*  
21       *tions of such status. The Attorney General may*  
22       *grant the application for waiver, in the discre-*  
23       *tion of the Attorney General, if—*

24                       “(i) *the alien is not in removal pro-*  
25                       *ceedings,*

1           “(ii) the alien has been a person of  
2           good moral character for the preceding five  
3           years,

4           “(iii) the alien has not violated the  
5           terms and conditions of the alien’s perma-  
6           nent resident status, and

7           “(iv) the alien would suffer exceptional  
8           and extremely unusual hardship were such  
9           terms and conditions not waived.

10          “(H) The limitations on the terms and con-  
11          ditions of an alien’s permanent residence set  
12          forth in this paragraph shall expire at the end  
13          of five years after the alien’s admission to the  
14          Commonwealth of the Northern Mariana Islands  
15          as a permanent resident and the alien is there-  
16          after fully subject to the provisions of the Immi-  
17          gration and Nationality Act. Following the expi-  
18          ration of such limitations, the permanent resi-  
19          dent alien may engage in any lawful activity,  
20          including employment, anywhere in the United  
21          States. Such an alien, if otherwise eligible for  
22          naturalization, may count the five-year period  
23          in the Commonwealth of the Northern Mariana  
24          Islands towards time in the United States for  
25          purposes of meeting the residence requirements of

1       *Title III of the Immigration and Nationality*  
2       *Act.*

3               “(I) *SPECIAL PROVISION TO ENSURE ADE-*  
4       *QUATE EMPLOYMENT IN THE HOTEL INDUSTRY*  
5       *AFTER THE TRANSITION PERIOD ENDS.—During*  
6       *the fiscal year preceding the ninth anniversary*  
7       *of the effective date of this subsection, and in the*  
8       *fourth year of any extension thereafter, the Attor-*  
9       *ney General and the Secretary of Labor shall*  
10       *consult with the Governor of the Commonwealth*  
11       *of the Northern Mariana Islands to ascertain the*  
12       *current and future labor needs of the hotel indus-*  
13       *try in the Commonwealth of the Northern Mari-*  
14       *ana Islands, and to determine whether a five-*  
15       *year extension of the provisions of this para-*  
16       *graph would be necessary to ensure an adequate*  
17       *number of workers in the hotel industry. If the*  
18       *Attorney General and Secretary of Labor deter-*  
19       *mine that such an extension is necessary to en-*  
20       *sure an adequate number of workers in the hotel*  
21       *industry, the Attorney General shall provide no-*  
22       *tice by publication in the Federal Register that*  
23       *the provisions of this paragraph will be extended*  
24       *for a five-year period with respect to the hotel*  
25       *industry only. The Attorney General may au-*

1           *thorize further extensions of this paragraph with*  
2           *respect to the hotel industry in the Common-*  
3           *wealth of the Northern Mariana Islands if, after*  
4           *the Attorney General and the Secretary of Labor*  
5           *have consulted with the Governor of the Com-*  
6           *monwealth of the Northern Mariana Islands, the*  
7           *Attorney General determines that a further ex-*  
8           *tension is required to ensure an adequate num-*  
9           *ber of workers in the hotel industry in the Com-*  
10          *monwealth of the Northern Mariana Islands.*

11          “(f) *INVESTOR VISAS.*—*The following requirements*  
12          *shall apply to aliens who have been admitted to the Com-*  
13          *monwealth of the Northern Mariana Islands in long-term*  
14          *investor status under the immigration laws of the Common-*  
15          *wealth of the Northern Mariana Islands on or before the*  
16          *effective date of the Northern Mariana Islands Covenant*  
17          *Implementation Act and who have continuously main-*  
18          *tained residence in the Commonwealth of the Northern Mar-*  
19          *iana Islands pursuant to such status:*

20                 “(1) *Such aliens may apply to the Attorney Gen-*  
21          *eral or a consular officer for classification as a non-*  
22          *immigrant under the transition program. Any non-*  
23          *immigrant status granted as a result of such applica-*  
24          *tion shall terminate not later than December 31,*  
25          *2008.*



1           “(2) *During the six-month period beginning*  
2           *January 1, 2008, and ending June 30, 2008, any*  
3           *alien granted nonimmigrant status pursuant to para-*  
4           *graph (1) shall be permitted to apply to the Attorney*  
5           *General for status as a lawful permanent resident of*  
6           *the United States effective on or after January 1,*  
7           *2009, and may be granted such status if otherwise ad-*  
8           *missible. Upon granting permanent residence to any*  
9           *such alien, the Attorney General shall advise the Sec-*  
10          *retary of State who shall reduce by one number, dur-*  
11          *ing the fiscal year in which the grant of status be-*  
12          *comes effective, the total number of immigrant visas*  
13          *available to natives of the country of the alien’s*  
14          *chargeability under section 202(b) of the Immigration*  
15          *and Nationality Act (8 U.S.C. 1152(b)).*

16          “(g) *PERSONS LAWFULLY ADMITTED UNDER THE*  
17          *COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS*  
18          *IMMIGRATION LAW.—Notwithstanding subsection (d) of this*  
19          *section, persons who would have been lawfully present in*  
20          *the Commonwealth of the Northern Mariana Islands pursu-*  
21          *ant to the immigration laws of the Commonwealth of the*  
22          *Northern Mariana Islands on the effective date of this sub-*  
23          *section, shall be permitted to remain in the Commonwealth*  
24          *of the Northern Mariana Islands for the completion of the*

1 *period of admission under such laws, or for two years,*  
 2 *which is less.*

3       “(h) *TRAVEL RESTRICTIONS FOR CERTAIN APPLI-*  
 4 *CANTS FOR ASYLUM.—Any alien admitted to the Northern*  
 5 *Mariana Islands pursuant to the immigration laws of the*  
 6 *Commonwealth of the Northern Mariana Islands or pursu-*  
 7 *ant to subsection (d) or (e) of this section who files an appli-*  
 8 *cation seeking asylum in the United States shall be re-*  
 9 *quired, pursuant to regulations established by the Attorney*  
 10 *General, to remain in the Commonwealth of the Northern*  
 11 *Mariana Islands, during the period of time the application*  
 12 *is being adjudicated or during any appeals filed subsequent*  
 13 *to such adjudication. An applicant for asylum who, during*  
 14 *the time his application is being adjudicated or during any*  
 15 *appeals filed subsequent to such adjudication, leaves the*  
 16 *Commonwealth of the Northern Mariana Islands of his own*  
 17 *will without prior authorization by the Attorney General*  
 18 *thereby abandons the application.*

19       “(i) *EFFECT ON OTHER LAWS.—The provisions of this*  
 20 *section and the Immigration and Nationality Act, as*  
 21 *amended by the Northern Mariana Islands Covenant Imple-*  
 22 *mentation Act, shall supersede and replace all laws, provi-*  
 23 *sions, or programs of the Commonwealth of the Northern*  
 24 *Mariana Islands relating to the admission of aliens and*

1 *the removal of aliens from the Commonwealth of the North-*  
 2 *ern Mariana Islands.*

3       “(j) *ACCRUAL OF TIME FOR PURPOSES OF SECTION*  
 4 *212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY*  
 5 *ACT.—No time that an alien was present in violation of*  
 6 *the laws of the Commonwealth of the Northern Mariana Is-*  
 7 *lands shall be counted for purposes of the ground of inad-*  
 8 *missibility in section 212(a)(9)(B) of the Immigration and*  
 9 *Nationality Act (8 U.S.C. 1182(a)(9)(B)) prior to the date*  
 10 *of enactment of this subsection.”*

11       (b) *CONFORMING AMENDMENTS.—(1) Section 101(a)*  
 12 *of the Immigration and Nationality Act (8 U.S.C. 101(a))*  
 13 *is amended—*

14               (A) *in paragraph (36), by deleting “and the Vir-*  
 15 *gin Islands of the United States.” and substituting*  
 16 *“the Virgin Islands of the United States, and the*  
 17 *Commonwealth of the Northern Mariana Islands.”,*  
 18 *and;*

19               (B) *in paragraph (38), by deleting “and the Vir-*  
 20 *gin Islands of the United States” and substituting*  
 21 *“the Virgin Islands of the United States, and the*  
 22 *Commonwealth of the Northern Mariana Islands.”.*

23       (2) *Section 212(l) of the Immigration and Nationality*  
 24 *Act (8 U.S.C. 1182(l)) is amended—*

25               (A) *in paragraph (1)—*

1                   (i) by striking “stay on Guam”, and insert-  
 2                   ing “stay on Guam and the Commonwealth of  
 3                   the Northern Mariana Islands”,

4                   (ii) by inserting “a total of” after “exceed”,  
 5                   and

6                   (iii) by striking the words “after consulta-  
 7                   tion with the Governor of Guam,” and inserting  
 8                   “after respective consultation with the Governor  
 9                   of Guam or the Governor of the Commonwealth  
 10                  of the Northern Mariana Islands,”;

11                  (B) in paragraph (1)(A), by striking “on  
 12                  Guam”, and inserting “on Guam or the Common-  
 13                  wealth of the Northern Mariana Islands, respec-  
 14                  tively,”;

15                  (C) in paragraph (2)(A), by striking “into  
 16                  Guam”, and inserting “into Guam or the Common-  
 17                  wealth of the Northern Mariana Islands, respec-  
 18                  tively,”;

19                  (D) in paragraph (3), by striking “Government  
 20                  of Guam” and inserting “Government of Guam or the  
 21                  Government of the Commonwealth of the Northern  
 22                  Mariana Islands”.

23                  (3) The amendments to the Immigration and Natu-  
 24                  ralization Act made by this subsection shall take effect when  
 25                  sections 6(b) through 6(j) of Public Law 94-241 take effect.

1       (c) *TECHNICAL ASSISTANCE PROGRAM.*—*The Secretar-*  
2 *ies of the Interior and Labor, in consultation with the Com-*  
3 *monwealth of the Northern Mariana Islands, shall develop*  
4 *a program of technical assistance, including recruitment*  
5 *and training, to aid employers in securing employees from*  
6 *among United States labor or lawfully admissible freely as-*  
7 *sociated state citizen labor.*

8       (d) *DEPARTMENT OF JUSTICE AND DEPARTMENT OF*  
9 *LABOR OPERATIONS.*—*The Attorney General and the De-*  
10 *partment of Labor are authorized to establish and maintain*  
11 *Immigration and Naturalization Service, Executive Office*  
12 *of Immigration Review, and Department of Labor oper-*  
13 *ations in the Commonwealth of the Northern Mariana Is-*  
14 *lands for the purpose of performing their responsibilities*  
15 *under the Immigration and Nationality Act, as amended,*  
16 *and under the transition program. To the extent practicable*  
17 *and consistent with the satisfactory performance of their*  
18 *assigned responsibilities under applicable law, the Depart-*  
19 *ments of Justice and Labor shall recruit and hire from*  
20 *among qualified applicants resident in the Commonwealth*  
21 *of the Northern Mariana Islands for staffing such oper-*  
22 *ations.*

23       (e) *REPORT TO THE CONGRESS.*—*The President shall*  
24 *report to the Senate Committee on Energy and Natural Re-*  
25 *sources, and the House Committee on Resources, within six*

1 months after the fifth anniversary of the enactment of this  
 2 Act, evaluating the overall effect of the transition program  
 3 and the Immigration and Nationality Act on the Common-  
 4 wealth of the Northern Mariana Islands, and at other times  
 5 as the President deems appropriate.

6 (f) *LIMITATION ON NUMBER OF TEMPORARY WORKERS*  
 7 *PRIOR TO FINDINGS OF THE ATTORNEY GENERAL OR AP-*  
 8 *PLICATION OF THE IMMIGRATION AND NATIONALITY ACT,*  
 9 *AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—*  
 10 *During the period between enactment of this Act and either*  
 11 *the date that the Attorney General finds that the Govern-*  
 12 *ment of the Commonwealth of the Northern Mariana Is-*  
 13 *lands possesses the institutional capability and genuine*  
 14 *commitment to enforce an effective system of immigration*  
 15 *control under section 6(a)(2) of Public Law 94–241 (as*  
 16 *amended by this Act), or, if the Attorney General finds that*  
 17 *the Government of the Commonwealth of Northern Mari-*  
 18 *anas fails to meet such conditions, the effective date of the*  
 19 *transition program established under section 6 of such Act,*  
 20 *the Government of the Commonwealth of the Northern Mari-*  
 21 *ana Islands shall not permit an increase in the total num-*  
 22 *ber of temporary alien workers who are legally present in*  
 23 *the Commonwealth of the Northern Mariana Islands on the*  
 24 *date of enactment of this section.*

1       (g) *APPROPRIATIONS.*—*There are authorized to be ap-*  
 2 *propriated such sums as may be necessary to carry out the*  
 3 *purposes of this section and of the Immigration and Nation-*  
 4 *ality Act with respect to the Commonwealth of the Northern*  
 5 *Mariana Islands.*

6       (h) *EFFECTIVE DATE.*—*Subsections (c) through (g) of*  
 7 *this section shall take effect when sections 6(b) through 6(j)*  
 8 *of Public Law 94–241 take effect.*

9       **SEC. 3. INDUSTRY COMMITTEE.**

10       *The Fair Labor Standards Act of 1938 (52 Stat. 1062,*  
 11 *29 U.S.C. 201) is amended as follows:*

12               (1) *in section 5 (29 U.S.C. 205), by inserting*  
 13 *“or the Northern Mariana Islands, respectively,” after*  
 14 *“American Samoa,” each place it appears;*

15               (2) *in paragraph 6(a)(3) (29 U.S.C.*  
 16 *206(a)(3)),—*

17                       (A) *by inserting “or the Northern Mariana*  
 18 *Islands,” after “American Samoa,”*

19                       (B) *by inserting “, except that, in the case*  
 20 *of the Northern Mariana Islands, the rate shall*  
 21 *not be raised more than fifty cents per year”*  
 22 *after “of this subsection” and before the semi-*  
 23 *colon;*

1           (3) *in section 8 (29 U.S.C. 208), by inserting*  
2           *“or the Northern Mariana Islands, respectively,” after*  
3           *“American Samoa,” each place it appears; and*  
4           (4) *in subsection 13(f) (29 U.S.C. 213(f)), by in-*  
5           *serting “the Northern Mariana Islands;” after “Amer-*  
6           *ican Samoa;”.*

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